

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 26
August 1, 2013
UNOFFICIAL DRAFT - 8/1/13 Afternoon Session

Provided by Freedom of the Press Foundation

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VOLUME XXVI
IN THE UNITED STATES ARMY
UNITED STATES
VS.
MANNING, Bradley E., Pfc. COURT-MARTIAL
U.S. Army, xxx-xx-9504
Headquarters and Headquarters Company,
U.S. Army Garrison,
Joint Base Myer-Henderson Hall,
Fort Myer, VA 22211

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The Hearing in the above-titled matter was
held on Thursday, August 1, 2013, commencing at 3:00 p.m.,
at Fort Meade, Maryland, before the Honorable Colonel
Denise Lind, Judge.

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1 APPEARANCES :

2
3 ON BEHALF OF GOVERNMENT :

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ANGEL OVERGAARD

7 CAPTAIN HUNTER WHYTE

8 CAPTAIN ALEXANDER van ELLEN

9
10 ON BEHALF OF ACCUSED :

11 DAVID COOMBS

12 CAPTAIN JOSHUA TOOMAN

13 MAJOR THOMAS HURLEY

1 PROCEEDINGS,

2 THE COURT: Please be seated. The court is
3 called to order. Let the record reflect that all
4 parties present when the court last recessed are again
5 present in court.

6 Major Fein?

7 MR. FEIN: Ma'am, essentially is
8 unclassified and the court's security officer completed
9 the open hearing checklist and it will be followed per
10 the allied documents.

11 THE COURT: Are there any issues we need to
12 address before we proceed?

13 Defense, have you had enough time to
14 prepare?

15 MR. HURLEY: Yes, ma'am, we have.

16 MR. FEIN: No, ma'am. No issues, ma'am.

17 MR. HURLEY: And, no, we don't have any
18 issues, ma'am. I admit I didn't understand the
19 entirety --

20 THE COURT: That's all right. I asked a
21 compound question.

1 MR. HURLEY: No issues, ready to go.

2 THE COURT: All right. Please proceed.

3 MS. OVERGAARD: The United States calls Mr.
4 John Feeley.

5 Whereupon,

6 JOHN FEELEY,
7 called as a witness, having been first duly sworn to tell
8 the truth, the whole truth, and nothing but the truth,
9 was examined and testified as follows:

10 EXAMINATION BY MS. OVERGAARD:

11 Q And you are Mr. John Feeley, from the
12 Department of State in Washington, D.C.?

13 A I am.

14 Q And what bureau do you currently work in?

15 A The Bureau of Western Hemisphere Affairs.

16 Q And what is your current position in the
17 Bureau of Western Hemisphere Affairs?

18 A I am the principal deputy assistant
19 secretary, effectively the number two.

20 Q And are you -- and you're here today to
21 discuss your opinions based on your expertise in

1 diplomat priorities and operations in Latin America?

2 A I am.

3 Q And, specifically, give your opinion on the
4 impact of PFC Manning's criminal conduct on the
5 Department of State as it relates to Latin America,
6 particularly in Mexico and in Ecuador and as used by
7 the ALBA states?

8 A That's correct.

9 MR. HURLEY: The Defense is willing to
10 stipulate to the proper expertise for Mr. Feeley.

11 THE COURT: All right.

12 MS. OVERGAARD: Ma'am, we just ask that his
13 bio be marked and we'd like to go through just a couple
14 more foundational questions.

15 THE COURT: And the Defense?

16 MR. HURLEY: Again, we have no objection to
17 that exhibit.

18 THE COURT: Go ahead and have it marked.
19 May I see it?

20 MS. OVERGAARD: Ma'am, we also had Ms. Oros
21 (phonetic) bio marked as Prosecution Exhibit 198.

1 MR. HURLEY: We have no objection to that
2 either, ma'am.

3 THE COURT: Okay.

4 BY MS. OVERGAARD:

5 Q Now, you said being the PDAS, the principal
6 deputy assistant secretary, means that you are the
7 number two for WHA?

8 A That's correct.

9 Q What do you do in that position?

10 A I'm -- the easiest way to describe it is
11 the assistant secretary, my boss, is sort of the CEO or
12 the top diplomat for U.S. Government relations with the
13 western hemisphere and I'm kind of the CO, the chief
14 operating officer. I'm the daily sort of interface and
15 liaison with over 50 U.S. ambassadors, principal
16 officers. We have 50 platforms, buildings in the
17 western hemisphere and I have a team under me that
18 deals with the conduct of American diplomacy in all of
19 those countries and I serve as the person who kind of
20 makes the trains run on time with regard to budgets,
21 with regard to personnel as well as backing the

1 assistant secretary in being a public face of American
2 diplomacy in the western hemisphere.

3 Q And what countries or what region in
4 general does the western hemisphere cover?

5 A It is everything from Canada down across
6 the Rio Grande into Mexico, the entire Caribbean and
7 down into Central America and South America.

8 Q And what is the mission of the bureau of
9 WHA specifically in regard to Latin American countries?

10 A The mission is to advance U.S. interests
11 with -- through a mechanism of partnership with
12 democratic governments to increase the prosperity and
13 the well-being and democratic stability of those
14 countries in support of U.S. interests.

15 Q And what are the United States' strategic
16 interests in the region?

17 A Our issues of interest have to do in the
18 western hemisphere with ensuring that we have global
19 partners who are willing to trade with us, willing to
20 work with the United States to combat transnational
21 organized crime, willing to work with the United States

1 in terms of developing higher capacity populations that
2 are able to assume jobs of the 21st century.

3 A big part of what we do is build capacity
4 in these countries using U.S. expertise from across
5 federal agencies and from state governments and civil
6 society to create or help sustain their own democratic
7 progress and build the human potential to be able to
8 sustain all activities that a functioning, healthy
9 prosperous society should be able to do without having
10 government instability without having cults of
11 personality, without having a need to resort to
12 nondemocratic governments, things of that nature.

13 Q And I mentioned ALBA states. Can you tell
14 us what the ALBA states are?

15 A Sure. It's a Spanish language acronym
16 which stands for -- the word Alba means dawn. It's in
17 the dawn --

18 THE COURT: What is that word again?

19 THE WITNESS: A-L-B-A, Your Honor.

20 THE COURT: Thank you.

21 A The word in Spanish means dawn. It stands

1 for the Alianza Bolivarian para los Pueblos de las
2 Americas which is a big long thing that says the --
3 which means the Bolivarian alliance for the countries
4 of our America and, basically, it is a grouping of five
5 countries principally with two others. Those countries
6 are Cuba, Venezuela, Ecuador, Nicaragua and Bolivia and
7 they have a very different vision of how society should
8 be organized.

9 They are self professed socialists in their
10 orientation towards their economies. They believe that
11 state economies produce better safety nets for people.
12 They -- and they are, in general, not militarily, but
13 they are hostile to U.S. interests as far as regarding
14 human rights, freedom of press. They tend to exhibit
15 tendencies of extreme government centralization under
16 the executive branch, co-opting through patronage or
17 through other mechanisms of the other branches. Some
18 have created new branches of government.

19 They have all come to office democratically
20 with the exception of Cuba and we have diplomatic
21 relations with all of them, but those relations are

1 very difficult at times, characterized by an extreme
2 rhetoric on behalf of the ALBA countries against the
3 United States, its intentions and its manifest
4 interests.

5 Q And how long have you been PDAS for the
6 Bureau of Western Hemisphere Affairs?

7 A A little over a year. I came and reported
8 in May of 2012.

9 Q And how long have you been with the
10 Department of State?

11 A 23 years.

12 Q And how much of those 23 years was actually
13 spent at the Western Hemisphere affairs bureau?

14 A Pretty much all of it. I have done two
15 tours on what we call our seventh floor, sort of the
16 military equivalent of being on a joint staff, serving
17 as a deputy executive secretary, kind of a staff
18 secretary for secretaries Powell and Rice.

19 I did a tour in our operations center as a
20 watch standard, kind of the equivalent of the military
21 MIMIC and I did a year at the National War College

1 studying and, other than that, all of my tours have
2 been either in the region or in Washington working on
3 western hemisphere affairs.

4 Q So that's about 19 years?

5 A Don't make me do that. Yeah, that's about
6 18.

7 Q Okay. And how much of that time was
8 actually spent in Latin American countries?

9 A Two, five, eight -- eleven.

10 Q And then does that include working in
11 Washington, D.C. with Latin American countries?

12 A No, that was post -- I'm sorry. About
13 eleven years overseas. I've been posted to our embassy
14 in Santo Domingo in the Dominican Republic. I was
15 posted to our embassy in Bogota, Columbia. I was
16 posted to our embassy in Mexico City twice on two
17 different occasions, each time for two and a half,
18 three years.

19 Q And then how about working with
20 Latin-American countries from Washington, D.C.?

21 A From Washington, I have served as the desk

1 officer for El Salvador, as an action officer in the
2 policy planning office of the Western Hemisphere
3 Affairs Bureau, as the executive assistant to the
4 assistant secretary, as the office director for Central
5 American affairs and now most currently as the
6 principal deputy.

7 Q And what is your rank in the foreign
8 service?

9 A I am a senior foreign service officer with
10 the rank of minister counselor. It's the equivalent of
11 two stars.

12 Q Now, are you familiar with the purported
13 cables released by WikiLeaks?

14 A I'm familiar with them.

15 Q And do you remember when you first learned
16 of these purported cables released by Wikileaks?

17 A I do.

18 Q And when was that?

19 A It was just before Thanksgiving in 2010.

20 Q And how did you become aware of these
21 releases?

1 A Through communications from Washington,
2 from my headquarters, that informed us that there were
3 purported cables that had been collected and were going
4 to be put out on the worldwide web.

5 Q What was your position at the time?

6 A I was then the deputy chief of mission of
7 our mission in Mexico. I sat in the embassy, but we
8 have nine branch offices -- consulates we call them --
9 across Mexico.

10 Q So what does it mean to be the deputy
11 chief?

12 A Well, it's the same thing to be the
13 principal deputy except with regard -- with
14 responsibility only for Mexico. It's the number two
15 position. It's the position that does the day-to-day
16 management of -- in Mexico's case, about 2,400
17 employees, both Mexican and U.S., from about 37
18 different federal agencies and to support the
19 ambassador in conducting our foreign policy and
20 executing our programs.

21 Q So number two to the ambassador in that

1 position?

2 A That's correct.

3 Q And do you have experience preparing cables
4 for the Bureau of Western Hemisphere Affairs,
5 specifically Latin America?

6 A I do.

7 Q And how do you have that experience?

8 A For -- ever since my second tour in
9 Columbia I have drafted them, I have edited them, I
10 have authorized them being sent. I've consumed them as
11 a consumer, a client in Washington as I've read them
12 from our embassies. I have -- the year that I spent in
13 the operations center, I was responsible for
14 distributing cables not just for the western hemisphere
15 but for all of our embassies and consulates around the
16 world, the highly captioned traffic. So I spend a lot
17 of time around cables.

18 Q So you've not only drafted them but you've
19 reviewed them, you've gone pretty much through every
20 step of --

21 A That's correct.

1 Q -- what goes into releasing a cable?

2 A That's correct.

3 Q And what do you use cables for in the
4 Bureau of Western Hemisphere Affairs specifically in
5 Latin-American countries?

6 A We use them for the same thing, quite
7 frankly, that they're used worldwide. There are many
8 different types of cables. The cables -- the purported
9 cables at hand tend to be reporting and analysis
10 cables. These are -- if you want to think of it as
11 sort of letters home from the field, there are a host
12 of other types of cables, though, that have to do with
13 the administration of the embassy, with reporting of
14 personnel movements, things like that.

15 So there are an awful lot of uses. It's
16 basically the official communications link between an
17 embassy and the Department of State.

18 MS. OVERGAARD: Ma'am, that's -- the
19 government would ask to move into closed session at
20 this point pending Defense cross, of course.

21 THE COURT: Yes, let's do that.

1 EXAMINATION BY MR. HURLEY:

2 Q Mr. Feeley, good afternoon.

3 A Good afternoon, Major.

4 Q You've worked with the Department of State
5 for over 20 years; is that right?

6 A That's correct.

7 Q And before that you were on active duty?

8 A That's correct.

9 Q In the Marine Corp?

10 A Yes.

11 Q A Marine Corp pilot?

12 A I was.

13 Q So for the entirety of your professional
14 life you've been employment by the United States
15 government?

16 A That is correct.

17 Q Other than the time you spent with the
18 Department of Defense, it's all been with the
19 Department of State?

20 A That's correct.

21 Q And you're company man for the Department

1 of State?

2 A I am a diplomat in the service of my
3 nation.

4 Q And as you indicated in your conversation,
5 your brief conversation with Captain Overgaard, you've
6 handled classified information in discharging those
7 duties at the Department of State?

8 A I have.

9 Q And, typically, you are one form of -- the
10 classified documents that you touched were diplomatic
11 cables?

12 A That's correct.

13 Q And diplomatic cables come with various
14 tags; is that right?

15 A That's correct.

16 Q One of the tags relates to how the cable
17 will be distributed?

18 A That's correct.

19 Q One such distribution is SIPDIS?

20 A SIPDIS isn't a tag, I don't believe.
21 SIPDIS is a distribution. A tag is something that

1 speaks to the substance of the cable.

2 So, for example, if you're discussing
3 foreign relations, if the substance of cable has to do
4 with foreign relations, you put a PREL tag on it. If
5 the cable has to do with the management of the embassy,
6 you put an AMGT tag on it.

7 That allows the cable system to
8 automatically distribute the cable to offices that
9 would have an interest in seeing it.

10 SIPDIS is a distribution that allows the
11 cable to be sent to a wider group of potential viewers.

12 Q And all I want to talk about is the
13 distribution instruction that would be included whether
14 it's in SIPDIS or in other distribution instruction,
15 not those other tags.

16 A Got it.

17 Q SIPDIS could be distributed on the SIPRNET?

18 A Yes.

19 Q And anyone with SIPRNET access could, then,
20 potentially review the cable that's been marked in that
21 fashion?

1 A That's my understanding depending upon the
2 classification. SIPRNET, I believe, is only -- I
3 believe it's only up to secret.

4 Q Right. So if it were a higher
5 classification, then SIPDIS would not be appropriate?

6 A If it were top secret, I don't believe
7 SIPDIS is used.

8 Q Right. And thank you, sir.
9 And there are other forms of distribution?

10 A There are.

11 Q XDIS?

12 A Uh-huh.

13 Q And that's executive distribution?

14 A I believe that's what it stands for.

15 Q And NODIS?

16 A Uh-huh.

17 Q Which is no distribution?

18 A Yeah. It's a bit of a misnomer. NODIS
19 originated when -- before we had modern IT and it was
20 intended and created for what you call in the military,
21 I think, a P4. It's when an ambassador wanted to send

1 a cable to the Secretary of State.

2 Q Right. Just to limit the receiving party
3 so the instruction would be clear to that person what
4 to do or not do with the cable that they've received?

5 A To the...

6 Q That notice is essentially an instruction
7 to the receiving party?

8 A That's correct. Well, it's -- actually,
9 what it is all notice cables and all XDIS cables that
10 are marked by the originators and the approvers out in
11 the field come to the operation center. They don't go
12 to the normal automated distribution center and they
13 are looked at by human eyes, officers, watch standers,
14 and there are different set distributions, patls, that
15 would include agencies and offices with an interest in
16 the subject. But the -- there is a human element of
17 supervision in terms of who sees what.

18 Q Right. And thank you, sir.

19 So those are the ways that a cable could be
20 distributed using those instructions, essentially,
21 those distributions?

1 A Those and there are others. There is, for
2 example, the director general channel. Anything that
3 has to do with sensitive personnel issues is sent only
4 to the dir-gen channel. That's a caption.

5 There are -- there's Roger. Roger channels
6 are cables that have to do with intelligence
7 information. So, yeah, there are a bunch of them.

8 Q And those channels, they don't just
9 distribute inside the Department of State, right?

10 They would distribute not only to the
11 Department of State but also to interagency partners
12 where appropriate?

13 A No. Those -- well, XDIS, NODIS, Roger are
14 sent to other agencies but only upon receipt in the
15 department. They are sent directly to the department.

16 Cables that would have the SIPDIS caption
17 on it would automatically go to other agencies.

18 Q So beyond SIPDIS, there would be a lot of
19 different ways that an embassy, whether it's in Mexico
20 City or wherever, that they could be able to
21 communicate this cable that they've generated to not

1 only Washington, D.C., but also whatever interagency
2 partners that the drafter and approver thought
3 appropriate for the cable?

4 A Yeah, there are, but they're limited.
5 There aren't a lot of them and the numbers of cables
6 that go through, the XDIS, the NODIS, the Roger channel
7 are limited compared to the ones that are sent with the
8 SIPDIS caption.

9 Q SIPDIS is often seen as the default
10 distribution instruction for many cables; is that
11 right?

12 A No, I wouldn't agree with that. SIPDIS
13 originated, best of my understanding, after 9/11 when
14 there was an assessment by the 9/11 commission that
15 there was an awful lot of diplomatic reporting that
16 could have been of use to other agencies but wasn't
17 sent out to them by -- automatically or by -- I'm
18 sorry, deliberately selecting Department of Justice,
19 Department of Defense, et cetera.

20 And so when the overarching mantra of "need
21 to know" was replaced but was, you know, sort of

1 mitigated by need to share, SIPDIS was designed --
2 again, I wasn't involved in it, but my -- the
3 explanation I've heard is SIPDIS was designed as a way
4 to use advances in technology to be able to put out
5 cables that an originator, a drafter and an approver
6 thought might be of use to people who weren't directly
7 involved in the day-to-day work of whatever they were
8 writing about.

9 Q And thank you, sir.

10 There's more than one way -- there's more
11 than SIPDIS to use to communicate through -- not only
12 to your interagency partners, but also back to the
13 headquarters of the Department of State; is that right?

14 A In cables?

15 Q Yes.

16 A Yes, that is correct.

17 Q And I'm just going to use the acronym ALBA
18 if that's okay --

19 A Sure.

20 Q I would butcher what ALBA stands for.
21 Generally speaking, the countries that

1 comprise ALBA are a tough crowd for the United States
2 government?

3 A They present us with diplomatic challenges.

4 Q And they've presented us with diplomatic
5 challenges for quite a while?

6 A Not really. It depends on how you define
7 "quite a while." But ALBA was incorporated in '98/'99.
8 So the last decade.

9 Q Venezuela is a part of ALBA?

10 A It is.

11 Q And we've had a rocky relationship with
12 Venezuela for -- since the middle of the last decade?

13 A Since 2002 is when I would say the
14 relationship became difficult.

15 Q The former president, Chavez, likened
16 President Bush to the devil on the floor of the UN. Is
17 that --

18 A He did at one point.

19 Q And Cuba is also part of ALBA?

20 A It is.

21 Q And we don't even have diplomatic relations

1 with Cuba, do we?

2 A That's correct.

3 Q And we've -- Nicaragua is also a part of
4 ALBA?

5 A Yes.

6 Q And our diplomatic relationship with
7 Nicaragua has been rocky?

8 A Of the ALBAs, the relationship we have with
9 the Nicaraguans is the one that probably is of -- I
10 don't want to say least concern, but we don't seem to
11 have as many direct differences of opinion with
12 Nicaragua as we have with -- certainly with Cuba and
13 with Venezuela.

14 Q But that relationship, the Nicaraguan
15 relationship has improved over time, correct?

16 A It's gone back and forth. In 1979, the
17 Sandinistas came to power in Nicaragua. Daniel Ortega
18 was the leader of the Sandinistas. They were supported
19 financially and militarily backed by the Soviet Union
20 and they were openly hostile to the United States and
21 purported to be a communist regime that was opposed to

1 the United States' influence in Latin America.

2 In 1990, Daniel Ortega lost the democratic
3 election and our relations Nicaragua improved
4 significantly with the arrival of Donia (phonetic)
5 Violeta Chamorro and for the next 15, 16 years we had
6 very normal and productive relations with Nicaragua.
7 We -- they are included in a free trade agreement that
8 we have with them. We had an awful lot of assistance
9 programs with them, something called the Millennium
10 Challenge Corporation which had, I think, on the order
11 of \$180 million dollars worth of development assistance
12 to Nicaragua.

13 In 2007, Ortega democratically won an
14 election again and he has remained in power and he has
15 taken Nicaragua more in the direction of supporting,
16 certainly rhetorically, Venezuela and the ALBA
17 countries and that is -- and in exchange for that,
18 there has been a significant amount of Venezuelan oil
19 that has been exported to Nicaragua on pretty
20 preferential terms which is an economic lifeline for
21 them.

1 Q Thank you.

2 Getting back to the classified information
3 for just a second, you've used classified information,
4 as you said, throughout your career?

5 A I have.

6 Q You're familiar with the executive orders
7 with respect to classified information?

8 A I am.

9 Q And you're familiar with the process in the
10 United States government as to how information is
11 classified?

12 A I am.

13 Q Have you ever questioned that -- the
14 process that's laid out by the EOs and by the guidance
15 that you received at the Department of State, have you
16 ever questioned that process?

17 A No, I haven't.

18 Q So if you've never questioned it, you've
19 never publicly questioned it?

20 A I've never publicly questioned it and I've
21 never -- I had to ask -- I have questioned my

1 supervisors when I was younger in the career. I've
2 questioned my supervisors as to whether or not
3 something should be considered SBU, confidential,
4 secret.

5 So, in that regard, I've asked questions.
6 I've had the basic sort of familiarization training,
7 but there are always situations where you're not quite
8 sure. How should I classify this? But, over time, I
9 got to know quite well and have my own developed sense
10 as to how things should be classified. But if you're
11 asking me have I have questioned the underlying
12 rationale behind it, no, I haven't.

13 Q That was my question, thank you.

14 Sir, I'm going to ask you some questions
15 about your testimony in front of Congress.

16 You've testified in front of Congress
17 numerous times in your career?

18 A No. I have briefed Congress numerous
19 times. I have testified in front of Congress once.

20 Q And that testimony was rather recent?

21 A It was. It was in May.

1 Q Of 2013?

2 A Yes.

3 Q And the subject of that testimony was the
4 Mesoamerican relationship; is that right?

5 A It was the Merida Initiative in Mexico.

6 Q So the relationship -- the Merida
7 Initiative and the relationship between the United
8 States and Mexico?

9 A That's correct.

10 Q And you began that testimony with a
11 prepared statement?

12 A I did.

13 Q Do you recall the specifics of that
14 prepared statement?

15 A Not verbatim, but the remember the
16 overarching tone of it.

17 Q If I read you some information, would you
18 be able to identify as to whether or not that
19 information was in your prepared statement or not?

20 A Pretty much.

21 Q And just tell me if this is in there or

1 not.

2 "Most recently, from 2009 to 2012, when
3 we" -- that's you speaking in the third person -- "and
4 our Mexican partners truly transformed our security and
5 commercial relationships in service of the American and
6 Mexican peoples."

7 A Absolutely.

8 Q And those are your words?

9 A Those are.

10 Q You also recall saying that "since 2009, 15
11 congressional delegations have visited Mexico to engage
12 U.S. and Mexico officials to help evolve Merida
13 binational cooperation?"

14 A Yes.

15 Q And you recall, with respect to the Merida
16 Initiative, telling Congress that our Mexican partners
17 have spent at least ten dollars to every one dollar
18 that we have contributed to our Merida goals in Mexico?

19 A Yes, that's correct.

20 Q You also recall telling Congress that
21 "Merida is a success and we have a wide range of

1 accomplishments to our credit?"

2 A That's correct.

3 Q You also talked about the future of the
4 Merida Initiative, did you not?

5 A I did.

6 Q Specifically, you talked about President
7 Pena Nieto?

8 A I did.

9 Q Am I saying that last name correctly?

10 A Pretty darn good.

11 Q Well, there's hope yet.

12 You recall saying that "President Pena
13 Nieto and his team have consistently made it clear to
14 us their interest in continuing our close collaboration
15 on security issues?"

16 A That's correct.

17 Q Most recently during President Obama's
18 visit this month?

19 A That was in May, correct.

20 Q So to read it, it would be President
21 Obama's visit in May of 2013?

1 A That's correct.

2 Q Let's stop right there real quick.

3 Presidential visits are an important part
4 of American diplomacy, correct?

5 A Correct.

6 Q How are presidential visits use, if you can
7 say briefly, in advancing the American -- whether it's
8 some specific initiative or advancing the relationship
9 between a country and the United States?

10 A Presidential visits are both symbolic and
11 operation. The symbolism aspect of it, I think, is
12 relatively straightforward. You generate tremendous
13 press coverage. They allow not just the presidents or
14 the leaders, but people who support them on both sides
15 of a bilateral visit to talk about the relationship, to
16 get out the information that governments want them to
17 get out. They -- operational aspects tend to come in
18 the form of presidential visits being used as
19 galvanizing events. They're action forcing events.

20 So initiatives that you may be undertaking
21 with a foreign government, the signing of a treaty, the

1 reaching of an agreement to engage upon third-party
2 cooperation. All of those things get -- acquire a
3 sense of urgency and we use them. We use the visit
4 tactically to drive the policy desires that we -- or
5 outcomes that we seek.

6 Q And correct me if I'm wrong, but normally
7 it's a building process. When you get something --
8 some initiative going and things aren't going smoothly,
9 a presidential visit will help capitalize on the
10 momentum that's been created in the relationship
11 between the American government and this foreign
12 country?

13 A It can be, but it doesn't have to be. Many
14 times a presidential visit might be something that is
15 agreed upon to get to two leaders together to resolve a
16 "black swan" problem that's come up. Some of the
17 summits that you see surrounding activities regarding
18 wars or genocides, it doesn't always have to be the
19 result of a process or a deliberate process, but it can
20 be.

21 Q Thank you, sir.

1 I go back to your testimony.

2 A Sure.

3 Q And just picking up -- and this is, again,
4 talking about the future of the Merida Initiative.

5 The Pena Nieto government has stated that
6 it intends to give particular emphasize to crime
7 prevention and the rule of law?

8 A That's correct.

9 Q "The United States fully supports this
10 further refinement of our joint strategic partnership."

11 Do you recall saying that?

12 A I do.

13 Q And was it true what you related to
14 Congress?

15 THE WITNESS: May I ask you a question?

16 THE COURT: Why don't you go ahead and ask
17 me the question. What is it?

18 THE WITNESS: Thank you, your Honor. We
19 are in an open session, correct?

20 THE COURT: Yes. Is that a classified
21 statement?

1 THE WITNESS: No, it is not, but the answer
2 that I want to give him --

3 THE COURT: Don't give it.

4 THE WITNESS: Then don't give it?

5 THE COURT: Yes.

6 THE WITNESS: Got it.

7 BY MR. HURLEY:

8 Q Sir, I apologize. I should have told you
9 at the outset of this cross-examination and we've
10 executed the plan perfectly. If I ask you a question
11 and you want to give me your response that it's
12 classified or if you want to give the court --

13 A Yeah. How do I do that?

14 Q You just let me know and we'll skip it
15 until there is actually a closed session.

16 A Thank you. Thank you, Your Honor.

17 I'd prefer to answer that in a closed
18 session.

19 Q Fantastic, sir, and I'll mark the question
20 so that I can ask you then.

21 I'm just going to pick up where we left off

1 with that, the thing we just discovered.

2 "We continue our ongoing transition from
3 major equipment purchases toward training and capacity
4 building and expansion from assistance solely for
5 federal institutions to an increasing emphasis on state
6 and local government."

7 A That is correct.

8 Q Sir, as you indicated with Captain
9 Overgaard, you've spent a lot of time in the western
10 hemispheres -- in the western hemisphere advancing the
11 interests of the United States government?

12 A Most of my professional career I have.

13 Q And with the American diplomatics that
14 you've worked with, they're all educated?

15 A (Pause.)

16 Q They've all been to college, right?

17 A They have all been to college.

18 Q And they certainly all graduated with some
19 master's program?

20 A No.

21 Q Not all?

1 A No.

2 Q A good many of them have, though?

3 A Many have.

4 Q And they are dedicated to advancing the
5 interests of the United States government?

6 A (No response.)

7 Q They have to put aside their personal
8 opinions in conducting business?

9 A Absolutely. You signed an oath that says
10 that you'll carry out policies of the United States
11 even if you personally disagree with it.

12 Q Yes, sir.

13 And you have to not only put aside your
14 personal opinion about the policy, but perhaps a
15 personal opinion about someone that you're working
16 with, perhaps a [inaudible] that you have a negative
17 opinion about?

18 A That's true.

19 Q And get to the business of advancing the
20 American national interest?

21 A That's correct.

1 Q The diplomats that you've worked with in
2 Latin America, by and large, they're educated?

3 A The American diplomats or the foreign
4 diplomats?

5 Q The foreign diplomats in the western
6 hemisphere.

7 A There is a broader range of educational
8 accomplishment among Latin American diplomats. I would
9 say that they're -- in my estimation, they probably
10 have attended college, some college. Many are very
11 well educated. Many have been educated in the United
12 States. But there are certainly diplomats from certain
13 countries who do not have college degrees in Latin
14 America.

15 Q And it's their responsibility to advance
16 the interest of their nation, the nation for which they
17 serve as diplomats?

18 A I would assume so.

19 Q And like American diplomats, they would
20 need to put aside their personal opinions on things to
21 ensure that they accomplish the mission?

1 A I can't make that assumption. I would like
2 to, but I can't get inside of their head. I've never
3 served in a foreign diplomatic corp.

4 I don't know if they sign sworn statements
5 to do that. But I think it's a fair assumption that,
6 just like a business man or anybody who enters into --
7 diplomacy is essentially about negotiation. So if you
8 enter into a negotiation to buy a car, you may not like
9 the general sales manager, but you want the car. So
10 you negotiate.

11 Q Yes, sir. Sir, just a second. I'm going
12 to look over my notes to make sure I have any more
13 unclassified questions to ask you.

14 Sir, I do have one more thing. Do you know
15 who secretary Robert Gates is?

16 A Robert Gates?

17 Q Uh-huh.

18 A Yes, former Secretary of Defense.

19 Q Do you know that he made a public statement
20 about WikiLeaks disclosures?

21 A I do not recall that.

1 Q I'm going to run --

2 A Yeah, run it by me.

3 Q I'll run part of the statement by you and
4 you tell me whether or not you agree with it.

5 All right?

6 A Okay.

7 Q "The fact is governments deal with United
8 States because it's in their interest."

9 Do you agree with that Mr. Feeley?

10 A I do.

11 Q "Not because they like us, not because they
12 trust us and not because they believe we can keep
13 secrets."

14 Do you agree with that?

15 A Not completely, no.

16 Q What part do you disagree with?

17 A The part about trust.

18 Q "Many governments -- some governments, deal
19 with us because they fear us."

20 Do you agree with that?

21 A Yes.

1 Q "Some deal with us because they respect
2 us."

3 Do you agree with that?

4 A I do.

5 Q "Some deal with us" -- I'm sorry, I
6 misspoke. I'll restart the question.

7 "Most governments deal with us because they
8 need us."

9 A No, I don't agree with that.

10 Q "We are still, essentially, as has been
11 said before, the indispensable nation."

12 He's talking about the United States. Do
13 you agree with that?

14 A Yes, with a qualifier.

15 Q What's the qualifier?

16 A I believe that that is changing. I believe
17 that we are moving from a bipolar, then went to a
18 uni-polar to now a multi-polar world where power,
19 whether it's diplomatic, economic, financial, military,
20 where power is more diffuse and I think that there are
21 many other poles of that power that are in other places

1 around the world and not concentrated as heavily as
2 they might have once been in the United States.

3 Q In the western hemisphere, sir, does any
4 other country have as many diplomatic people working as
5 the United States?

6 A Well, our diplomatic corp is relatively
7 small. We're about 6,600 diplomats. There are more
8 military band members than there are diplomats.

9 Q I've heard that statistic before.

10 A And I don't know how large -- and a lot of
11 diplomatic corps in Latin America are -- have larger
12 roles because in many countries public service is part
13 of a system of patronage. They don't have professional
14 civil services or foreign service.

15 We are, though, one of the largest
16 diplomatic presences in Latin America and in the
17 western hemisphere.

18 Q We spend a lot on foreign aid?

19 A About a penny per the dollar is what the
20 official figure is of tax dollars. Our foreign aid in
21 Latin America has decreased significantly since the

1 time of the Alliance For Progress. It's roughly now
2 about \$1.5 billion dollars in current year.

3 Q But certainly the United States has a
4 robust business capability that many of our
5 Latin-American partners would be interested in?

6 A Oh, absolutely. Our Latin-American
7 partners have a great interest in attracting U.S.
8 foreign direct investment and in exporting to the
9 United States.

10 Q And no country in the western hemisphere
11 has the same amount of soft power, to use that
12 expression, as the United States?

13 A It depends in what circle. If you are in
14 Argentina and asked that question, you'd probably get a
15 different answer. If you were in Canada, you'd
16 probably would have people disagree with you.

17 My personal view is that the United States
18 still remains a country that serves as a beacon of
19 sorts, certainly an economic beacon for a lot of
20 migrants and still a beacon that represents upward
21 social mobility. But there are an awful lot of

1 Latin-American academics. There are an awful lot of
2 people in Latin America who have very mixed feelings
3 about the United States and see the United States as
4 more of -- well, to use the language of the ALBA
5 countries, more of a neo-liberal imperial presence in
6 Latin America. So our soft power, quickly frankly, is
7 something that we consciously want to work on and
8 develop as opposed to hard military power.

9 Q That opinion, that opinion about
10 neo-liberal power, the negative opinions essentially
11 come from the ALBA countries, that has existed for a
12 while, right?

13 A Oh, certainly. The ALBAs didn't invent it.

14 Q Right. It goes back decades if not
15 centuries in the relationship between the United States
16 and Latin American countries?

17 A Sure. What the ALBA countries have done is
18 breathed into it new life.

19 MR. HURLEY: Just one second.

20 (Pause.)

21 I don't have any more questions in that

1 open session.

2 THE COURT: All right. Redirect?

3 MS. OVERGAARD: Yes, ma'am.

4 EXAMINATION BY MS. OVERGAARD:

5 Q Without going into any details because we
6 are in open session, did you observe any impact to our
7 relations with Latin America as a result of the
8 disclosure of the cables?

9 A I did.

10 MS. OVERGAARD: That's all, ma'am.

11 THE COURT: All right. Is there anything
12 we need to address before we move into the closed
13 session?

14 MR. FEIN: No, ma'am.

15 MR. HURLEY: Not from Defense, ma'am.

16 THE COURT: Before I recess the court --
17 first of all, Mr. Feeley, please don't discuss your
18 testimony or knowledge of the case with anyone while
19 we're being in preparations for the closed session.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: We are not going to have

1 another open session today. We will begin tomorrow
2 with an open session; is that correct?

3 MR. FEIN: Yes, ma'am. Could we have a
4 moment?

5 THE COURT: Yes.

6 (Pause.)

7 THE COURT: Let's talk about time. The
8 court understands...

9 (Stream malfunctioned.)

10 (Session ended at 3:48 p.m.)

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